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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/368,459 08/04/99 SMALLWOOD

R 693-009

EXAMINER

MM91/0324

RATLIFF, R

ART UNIT

PAPER NUMBER

2877

DATE MAILED:

03/24/00

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/368,459

Applicant

Smallwood et al

Examiner

R. Ratliff

Group Art Unit

2877

☒ Responsive to communication(s) filed on 8/4/99

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-6 is/are allowed.

☒ Claim(s) 7-16, 18-21, 27 and 28 is/are rejected.

☒ Claim(s) 17, and 22-26 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 + 3 1/2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8, 10, 15, 19, 21 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang.

Yang shows (see figure) a module for driving a gas discharge lamp in response to electrical power supplied from a source comprising: means for receiving power from the source 2, an oscillator coupled to the receiving means for transforming power into an output signal at a frequency and voltage that causes the lamp to produce visible light through gas discharge within the lamp (within "module means" 5), and a circuit board having the oscillator mounted thereon 6, wherein the circuit board is attached to the lamp (not shown).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16, 18, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang.

Yang shows all of the features that were enumerated in the 102 (b) rejection above.

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Yang does not explicitly teach the recited internally attached circuit board as is set forth in the instant claims. However, he does teach (see column 2, lines 18-27) that the lamp structure may be formed as an attachment to a ballast circuit (which of course would be mounted to some form of circuit board). He also teaches that the lamp may be formed as a wholly separate structure which may then be attached to a ballast via sockets. Therefore, to use the notoriously well known circuit board as the means by which an oscillator circuit is mounted and attached to a lamp, in the manner taught by Yang, would have been obvious to one of ordinary skill in the art.

It should be noted with regard to claims 16 and 28, that to by-pass a rectifier circuit and provide DC power directly to a convertor circuit for oscillation, in the situation where a DC power supply is used, would have been obvious to one of ordinary skill in the art desiring to accomodate the use of such a power supply.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang in view of Nilssen.

Yang shows all of the recited claim features enumerated in the previous rejections but does not explicitly teach the recited heater elements as are set forth in claims 11-14. However, Nilssen discloses a ballast circuit which employs heater elements that are supplied power through output transformers (see FIG. 2b structures T1, T2, E1 and E2. Also, see col. 3, lines 45-55 and col. 4, lines 1-10.) as is recited in claims 11-14. Therefore, to use power supplying circuitry such as that taught by Nilssen, in the device of Yang, would be obvious to one of ordinary skill in the art

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desiring the power distribution/heating characteristics of the power supplying transformer circuitry taught by Nilssen.

It should be noted that the recited plurality of pins and receptacle, set forth in claim 14, are readable on elements 5 and 6 of Yang (see the figure where there is depicted a plurality of pins protruding from module 5 in the direction of "recepticle" 6).

Claims 17, and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Ratliff whose telephone number is (703) 308-4904. The examiner can normally be reached on m-f from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-0956.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Rr

March 21, 2000

  
Frank G. Font  
Supervisory Patent Examiner  
Technology Center 2800

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